

REMARKS

In accordance with the foregoing, claims 1-15 are pending and under consideration.

APPLICANTS' PRIOR REQUEST FOR INTERVIEW

The Examiner denied the Applicants' request for an interview and indicated that he will review the Applicants' arguments only upon filing a formal response.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

In the outstanding Office Action, claims 1-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over the article "An Integration Test-Bed System for Supply chain Management" by Umeda et al. (hereinafter "Umeda"), in view of U.S. Patent No. 6,049,787 to Takahashi et al. ("Takahashi").

Umeda presents an integration test-bed system for a supply chain management system, which is composed of a hierarchical supply chain simulator, a supply chain management server, and a decision support system for suppliers management (see FIG. 1 and page 1378 right column of Umeda).

The claims of the present application are directed to a "readable-by-computer recording medium recorded with a program read by a computer" (independent claims 1 and 2), an "organization activity management method" (independent claims 6 and 7) and an "information processing system" (independent claims 11 and 12) aiming to manage "data generated by a plurality of organizations on the basis of communication data transferred and received between said organizations."

In claims 1 and 2, following the same preamble, the first recited feature is the same, namely, "inputting the communication data sent from a first organization to a second organization." In the Office Action, two different portions of Umeda are indicated as teaching or suggesting the above-cited feature. Relative to claim 1, the Office Action alleges that the following portion of Umeda discloses the above-cited "inputting":

The input data to VSM includes delivery orders from customers, and status information on existing orders from suppliers. VSM also uses inventory data of input/output parts, demands data in phased time, and BOM tables representing parts construction. On the while, VSM sends the process orders to the individual suppliers for production, transportation, purchase, shipment and others.

Applicant respectfully disagrees that the above-reproduced portion of Umeda teaches or suggests the claimed “inputting the communication data sent from a first organization to a second organization.” According to the indicated portion of Umeda, the VSM functions as a manager over customers and suppliers. VSM sends the process orders to the individual suppliers, and not the delivery orders received from customers to individual suppliers. Therefore, the VSM as described in the indicated portion of Umeda does not teach or suggest the claimed feature, because the data sent from “a first organization” is not input to “a second organization.” That is, VSM processes the data received from one or more consumers to provide the process order, which is other data than the received data, to a supplier, i.e. a second organization.

Relative to claim 2, a different portion of Umeda on page 1379 is indicated as disclosing “inputting the communication data sent from a first organization to a second organization.” The indicated portion describes the three modules of the communication server used to communicate “the tactical data among the suppliers.” Applicant respectfully notes that neither the description of the communication server as a whole, nor the descriptions of the three modules (the suppliers data driver, the production data driver, and the demand data driver) teaches or suggests the claimed “inputting the communication data sent from a first organization to a second organization.” The three modules collect and display (the suppliers data driver) or process (the production data driver, and the demand data driver) the collected data. That is, the data received from any one entity is not input in the form in which it was received to a second entity as recited in the claim feature.

Thus, Umeda fails to teach or suggest “inputting the communication data sent from a first organization to a second organization” as recited in claims 1 and 2.

Claim 1 also recites “simulating a first intra-organization procedure executed in said first organization when sending the communication data” and claim 2 also recites “simulating an intra-organization procedure executed in said second organization when sending the communication data.” In the Office Action, a “chain” layer simulation (see the indicated portion of Umeda on page 1380, left side column, the paragraph stating with “The ‘Chain’ simulation...”) allegedly discloses the “simulating...” recited in claim 1, and a “factory level” simulation (see the indicated portion of Umeda on page 1380, right side column, the paragraph stating with “ ‘Factory’ simulation...”) allegedly discloses the “simulating...” recited in claim 2. However, none of the indicated portions of Umeda makes any reference or suggestion to the recited condition “when sending the communication data.” Therefore, Applicant respectfully denies that the indicated portions teach or suggest the “simulating...” as recited in claims 1 and 2, respectively.

Claim 1 further recites “recording first data generated by the first intra-organization procedure.” In the Office Action, the demand data driver as described on page 1379 left column allegedly teaches or suggests the above-indicated feature. Therein, the demand data driver is described as “[collecting] demands data from distributors and customers, and [processing] them to send to [the] simulation system and the decision support system.” That is, the demand data driver does not record any data and therefore the data resulting from the simulating of the intra-organization procedure is not recorded. Contrary to recording data from the simulating, in the indicated portion of Umeda, the demand data driver provides (sends) data processed by the demand data driver to the simulation system. Therefore, Umeda does not teach or suggest “recording first data generated by the first intra-organization procedure” as recited in claim 1.

Similarly, claims 2 further recites “recording data generated by the intra-organization procedure.” In the Office Action, the supplier data driver as described on page 1379 left column allegedly discloses the claimed feature. Therein, the supplier data driver is described as collecting production data, distribution data and demand data and publishing management data when needed. That is, the supplier data driver has no connection or data exchange with any simulation, thus, the supplier data driver does not record the data resulting from the simulating of the intra-organization procedure. Therefore, Umeda does not teach or suggest “recording data generated by the intra-organization procedure” as recited in claim 2.

In the Office Action, the Examiner submits that Umeda does not teach the feature added to the independent claims 1, 2, 6, 7, 11, and 12 by the amendment filed on April 15, namely, that Umeda fails to disclose that the data generated by the (first) intra-organization procedure “includes at least a contract term, an article price and an article.” Takahashi is relied upon to cure this deficiency of Umeda teachings. However, the data of Takahashi is not the result of simulating an intra-organization procedure. That is, the claimed feature is parsed out of the claim context. Therefore, neither Umeda nor Takahashi contains any motivation to include the feature of Takahashi within the teachings of Umeda unless by using impermissible hindsight. The alleged motivation to combine Umeda and Takahashi (col. 2 lines 22-27 of Takahashi) merely presents one of the objects of Takahashi’s invention without any teaching or suggestion to integrate the missing feature from Takahashi in the teachings of Umeda.

The prior art fails to teach or suggest every feature recited in claims 1 and 2, so that claims 1 and 2 are patentably distinct over the prior art. Specifically, Umeda and Takahashi do not teach or suggest at least:

- “inputting the communication data sent from a first organization to a second

organization" (emphasis added),

- "simulating a (first) intra-organization procedure [...] **when sending the communication data**", (emphasis added according to the above presented arguments, and "first" is in parenthesis to encompass both the recitations of claim 1 and the ones of claim 2),
- "recording (first) data generated by the (first) **intra-organization procedure**", and
- "**the (first) data includes at least a contract term, an article price and an article.**"

Accordingly, Applicant respectfully traverses, and requests reconsideration of the rejections of claims 1 and 2 based on Umeda and Takehashi, since the prior art references do not teach or suggest all the features recited in the claims.

Claims 3-5 are also patentable at least by depending from patentable independent claim 1, but also by including additional patentable features. For example, claim 3 recites "recording second data generated by the second intra-organization procedure" which second intra-organization procedure is also simulated according to claim 3. The Office Action alleges that the above-cited feature of claim 3 is disclosed by the description of the production data driver on page 1379. Therein, the production data driver is described as collecting production and distribution data and processing them to be sent to the simulation system and the decision support system. That is, the production data driver does not record the second data resulting from the simulating of the second intra-organization procedure. Therefore, Umeda does not teach or suggest the "recording second data generated by the second intra-organization procedure" as recited in claim 3.

Claims 6-10 and 11-15 are rejected based on the same rationale as claims 1-5, respectively. Claims 6-10 are directed to organization activity management methods. Claims 11-15 are directed to information processing systems. Applicant respectfully notes that "the same rationale" type of rejections deprives Applicant of the possibility to argue patentability of the claims. For example, the information processing systems include structural elements not taught or suggested by the cited prior art references. MPEP 2131 clearly states that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (emphasis added). Also MPEP 2143.03 specifies "All words in a claim must be considered in judging the patentability of that claim against the prior art." Therefore, by rejecting, for example, the claims directed information processing systems under the same rationale as the claims directed to the readable-by-computer recording medium recorded with a program read by a computer, Applicant is deprived of the opportunity to argue that the claimed structure is not anticipated by the teachings of the

prior art references. Thus, Applicant respectfully traverses the rejections of claims 6-15 as not complying with 37 C.F.R. 1.104 ("In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.").

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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